

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN ALLAN WALTERS**, on January 10, 2001 at 8:00 A.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Allan Walters, Chairman (R)  
Rep. Debby Barrett, Vice Chairman (R)  
Rep. Tom Dell, Vice Chairman (D)  
Rep. Norma Bixby (D)  
Rep. Dee Brown (R)  
Rep. Donald L. Hedges (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Jent (D)  
Rep. Michelle Lee (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Gay Ann Masolo (R)  
Rep. Douglas Mood (R)  
Rep. Alan Olson (R)  
Rep. Holly Raser (D)  
Rep. Rick Ripley (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Ruthie Padilla, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 28, 1/5/2001; HB 50,  
1/5/2001; HB 152, 1/5/2001; HB  
183, 1/5/2001

HEARING ON HB 152

Sponsor: REPRESENTATIVE DAVE GALLIK, HD 52, HELENA

Proponents: Mike O'Connor, MPERA  
Tom Bilodeau, MEA-MFT  
Bob Bergren, MSFA

Opponents: None

Opening Statement by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 3.0}*

REPRESENTATIVE DAVE GALLIK, HD 52, Helena, explained this bill is mostly a housekeeping and general revision bill and has been requested by the Public Employees Retirement Board for the Public Employees Retirement Systems. The Public Employees Retirement Board administers 8 retirement systems and has an annual expenditure of only .12%, that is 10 times less than the average general equity fund of 1.04%. There are a few technical changes that need to be made to the bill that are simple changes in wording, and will be done later in the process.

Proponents' Testimony:

*{Tape : 1; Side : A; Approx. Time Counter : 6.2}*

Mike O'Connor, Montana Public Employees Retirement Administration, stated that this is their big bill. This bill will not cost any additional funding. They are attempting to simply change the terminology and clean up the language to keep it consistent throughout. **EXHIBIT (sth07a01)**

Tom Bilodeau, Montana Education Association-Montana Federation of Teachers, stated that this bill accomplishes 3 important goals; 1<sup>st</sup> and foremost, it provides simplification of the existing provisions. 2<sup>nd</sup>, this bill addresses the clarification and consistency of language. 3<sup>rd</sup> and most importantly, it helps insure that continued qualified plans status in Public Employees Retirement Systems.

Bob Bergren, Montana State Fireman's Association, stated that he would like it to go on record that they also supports this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

*{Tape : 1; Side : A; Approx. Time Counter : 15.4}*

**REPRESENTATIVE MOOD** asked whether the election period for existing legislators is in this bill? **Mike O'Connor** replied that it is in a separate bill.

**REPRESENTATIVE BROWN** asked about appeals if a person's application for benefits is turned down by the board? **Mr. O'Connor** stated that there is a whole appeals process. **REPRESENTATIVE BROWN** then asked about the employee incentive awards? **Mr. O'Connor** replied that an incentive is not necessarily money and if the incentive was money there would still not be a need for a fiscal note because the Retirement board sets its own budget. It would not go through the budget office.

**REPRESENTATIVE LEE** asked since there was no definition of a police officer on the bill, would anyone be eliminated? **Mr. O'Connor** replied that nobody would be eliminated because they are classified as a police officer in the protected system.

**REPRESENTATIVE WALTERS** asked if a fiscal note will be necessary? **Mr. O'Connor** said no.

Closing by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 20.3}*

**REPRESENTATIVE GALLIK** stated that this is a good government bill with efficiency and simplification and requests a do pass on this legislation.

HEARING ON HB 50

Sponsor: **REPRESENTATIVE CAROL JUNEAU, HD 85, BROWNING**

Proponents: **Cynthia Reichenbach, Department of Commerce  
Marlene O'Connell, University of Great Falls  
Kristi Johnson, MAADAC  
Myra Lefthand, NACDA  
Lorrin Walker, MAADAC Commissioner  
Ron Ladue, Blackfoot Community College  
Annie Bartos, Department of Commerce**

**Opponents:**           none

**Opening Statement by Sponsor:**

***{Tape : 1; Side : A; Approx. Time Counter : 21.1}***

**REPRESENTATIVE CAROL JUNEAU, HD 85, BROWNING**, explained this bill will provide Chemical Dependency Counselors with a new title called Licenced Addiction Counselors. She also clarified some changes in codes. She explained the bill covers only drug and alcohol addictions and that the one year certification program that is currently in place will be excluded, however, the BA program as well as the supervised work experience and the competency exam will be left in place. Also, people currently holding a license as a Chemical Dependency Counselor as of October 1, 2001 will be granted a license, and the effective date for the training requirements to be enforced is on January 1, 2004. **EXHIBIT(sth07a02)**

**Proponents' Testimony:**

***{Tape : 1; Side : A; Approx. Time Counter : 28.6}***

**Annie Bartos, Department of Commerce**, stated that the Department of Commerce supports HB 50. She explained that the purpose of changing this title from a Certified Chemical Dependency Counselor to a Licensed Addiction Counselor is to have uniformity in the statute. She said as for the change of the one year training program, the bill provides a sunset of the program by 2004. It would give those individuals not meeting the requirements of the bill due to the elimination of this program an opportunity to still become a counselor.

***{Tape : 1; Side : B; Approx. Time Counter : 0.0}***

**Lorrin Walker, NAADAC**, stated he supports the name change from Certified to Licensed. He explained that there are a number of 3<sup>rd</sup> party insurance company payers that will not pay Certified Chemical Dependency Counselors. He gave a summary on the elimination of the one year program and expressed how raising the standards would be more beneficial to the clients. He submitted 2 written testimonies **EXHIBIT(sth07a03)** **EXHIBIT(sth07a04)** and one written testimony from William Malone **EXHIBIT(sth07a05)**

**Myra Lefthand, NACDA**, submitted written testimony for Karen Duboise and discussed the letter with the committee members. **EXHIBIT(sth07a06)**

**Kristi Blazer, Rimrock Foundation and MASP**, stated she is representing Rimrock Foundation and submitted written testimony on their behalf. **EXHIBIT(sth07a07)** She expressed Rimrocks support to this bill and briefly discussed their written testimony.

**Ron Ladue, Blackfoot Community College**, expressed his support of the bill. He stated he has been involved in the addictions field since 1984 as a counselor and program director. He said he supports the intent to eliminate the training program. He feels this program is no longer adequate.

**Marlene O'Connell, University of Great Falls**, said she is in support of the bill and the elimination of the training program. She stated that it is impossible to prepare counselors adequately in the duration of one year. There is to many changes going on with treatment methods in treating these addictions. She submitted written testimony. **EXHIBIT(sth07a08)**

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : B; Approx. Time Counter : 15.7}*

**REPRESENTATIVE RASER** asked about the number of people affected by the change of requirements? **Cynthia Reichenbach** replied that none would be effected. She stated that the Department feels comfortable with the amount of time given to allow individuals to prepare for the elimination of the one year training program.

**REPRESENTATIVE WALTERS**, asked how many people are private practitioners and whether there are any state employee counselors? **Ms. Reichenbach** replied that there are currently 460 Chemical Dependency Counselors certified by our state and 7 of those counselors reside outside of Montana. She state that they do not have data on how many are working for the state and how many are in private practice.

**REPRESENTATIVE BARRETT**, asked what the current fee for licensor is and what will it increase to? **Ms. Reichenbach** replied that there is no projected increase in the fee and currently there is an application process for certification. The fee for application is \$125.00. There is an oral exam and written exam administered by the department. The fee for the written exam is \$65.00 and the fee for the oral exam is \$75.00. She explained that the \$125.00 fee is a one time fee, however, if an individual fails one of the exams they must repay the fee to retake an exam.

**REPRESENTATIVE LEHMAN** asked what the requirements were going to be for licenser? As he understands it, the minimum is an Associate of Arts degree, (two years)? He then asked if individuals with a Bachelors degree need to have supervised work experience prior to applying to take an exam? **Ms. Reichenbach** replied that an individual with a bachelors degree and Associated degree are required to complete 1000 hours of supervision under a Department of Commerce approved facility.

**REPRESENTATIVE DELL** asked if it would be illegal for someone to call themselves a Chemical Dependency Counselor after this bill was in effect? **Ms. Reichenbach** stated that it would be illegal according to their statutes to represent yourself as certified counselor without having complied with the current statute.

**REPRESENTATIVE DELL** then asked if insurance companies will stop paying for services by those individuals? **Ms. Reichenbach** referred the question to **Dr. Walker**. **Dr. Walker** replied insurance companies currently do not pay non-certified counselors and assumes that they will then not pay for non-licensed counselors.

**REPRESENTATIVE DELL** stated that he was concerned with the availability for Native Americans to obtain licensure through a bachelors degree and then asked **Mr. Ladue** if he had concerns about that? **Mr. Ladue** stated that he was not concerned because the majority of the two year certified programs are located on the Americans reservations and are tied into the community colleges.

**REPRESENTATIVE HEDGES** asked what kind of addiction this bill covers? **Ms. Reichenbach** responded that addiction is defined in the bill as treatment for drug and alcohol addiction. The drug classification includes the categories of crank, crack, cocaine, marijuana, and prescription medications. **REPRESENTATIVE HEDGES** then stated that in the statute, there is no definition of what is considered addictive or nonaddictive drugs. **Ms. Reichenbach** replied that within administrative rule, there is a category that defines the pharmacology educational requirements and that includes the drug categories, however, there is nothing in statute that specifically names the drugs.

**REPRESENTATIVE LENHART** stated he was concerned as an educator, going from a one year licensing program to a two year licensing program. He then asked what additional courses would be offered in that two year program. **Ms. Reichenbach** replied that all forms of educational requirements; one year training, AA degree, and a Bachelors degree will require 270 hrs that are specific to Chemical Dependency Counseling. The requirement for the two and

four year degree will not change. **REPRESENTATIVE LENHART** then asked who will approve the curriculum for the Associates Degree? **Ms. Reichenbach** replied that the Department of Commerce has the authority to review and approve curriculum.

**Closing by Sponsor:**

***{Tape : 2; Side : A; Approx. Time Counter : 7.6}***

**REPRESENTATIVE JUNEAU** thanked the committee for a good hearing and she also thanked the individuals who traveled to present information and answer questions. She submitted written testimony and information via E-mail from **Kathy Randle, Licensed Professional Counselor. EXHIBIT(sth07a09)** She stated that she was not supporting or opposing the testimony and it was not being presented by her as a recommendation.

**HEARING ON HB 183**

**Sponsor:** **REPRESENTATIVE CAROL JUNEAU, HD 85, BROWNING**

**Proponents:** **Cynthia Reichenbach, Department of Commerce  
Marlene O'Connell, University of Great Falls  
Kristi Johnson, MAADAC  
Myra Lefthand, MACDA  
Lorrin Walker, MAADAC Commissioner  
Ron Ladue, Blackfoot Community College  
Deb Sanchez, Montana Psychological Association  
Annie Bartos, Department of Commerce**

**Opponents:** **Candice Payne for Kristi Blazer, Rimrock  
Foundation and MASP**

**Opening Statement by Sponsor:**

***{Tape : 2; Side : A; Approx. Time Counter : 9.2}***

**REPRESENTATIVE CAROL JUNEAU, HD 85, BROWNING,** stated that this bill is similar to HB 50, but proposes some differences. This bill will also provide Chemical Dependency Counselors with a new title of Licensed Addiction Counselors. She clarified the word addiction on pages 5 and 6, lines 30 and 31 are the same as in HB 50. She stated that page 9, line 9, implements a core requirement of courses as an option within the BA program. Lines 11 through 14 take out the one year program as well as the Associate of Arts program. Examination procedures stay the same as currently provided. The effective dates are different than HB 50.

**Proponents' Testimony:**

***{Tape : 2; Side : A; Approx. Time Counter : 13.3}***

**Kristi Johnson, Montana Association of Alcohol and Drug Counselors**, shared her experience as a Alcohol and Drug counselor and stated that she is speaking in support of this bill. It is important that we continue to become more professional and raising the requirement to a Bachelors Degree is absolutely minimal. She felt that individuals have ample time to become certified, therefore, no one would be impacted by the change. She submitted written testimony on her behalf, **EXHIBIT(sth07a10)** and written testimony on behalf of Dr. Kay E. Dorr. **EXHIBIT(sth07a11)**

**Myra Lefthand, Native American Chemical Dependency Directors Association**, shared her support to HB 183. She felt a higher level of education leads to a more effective treatment and in return, lowered costs. She stated that their needs to be one standard education for all individuals wether they are Native American or not. She submitted written testimony for herself **EXHIBIT(sth07a12)** and on behalf of Mary Louise DeRoche. **EXHIBIT(sth07a13)**

**Ron Ladue, Blackfoot Community College AKA Water Spirit Person**, stated that his testimony is in support of the increased degree requirements. He felt that due to the complexity in individuals with the disease of chemical dependency and addictions, the addiction field needs the best qualified trained counselors and therapists available to them. He asked the committee support the legislation of HB 183.

**Deb Sanchez, Montana Psychological Association**, expressed her association's support of the increase in educational requirements in this bill. She stated that she was also here in support of Dr. Dorr's letter.

**Marlene O'Connell, University of Great Falls**, stated she was here in support of raising the standards of education requirements to a BA degree. She stated that she was speaking on behalf of the treatment center she directs and from a faculty members perspective. She discussed how important it is to have a BA degree for the clients and for reimbursement purposes. She then asked for the committees support on this bill. **EXHIBIT(sth07a14)**



**Opponents' Testimony:**

**{Tape : 2; Side : B; Approx. Time Counter : 0.9}**

**Candice Payne, Rimrock Foundation**, stated she was speaking on behalf of Kristi Blazer. She submitted written testimony from Mona Sumner, Rimrock Clinical Director **EXHIBIT(sth07a15)**. She stated that they oppose HB 183. They feel that to eliminate eligibility for persons with an Associates of Arts degree is unsupportable. She stated that taking away the ability to hire individuals with a two year degree will thin the field even more than it currently is. She shared that MAADAC members were not aware of this bill and this bill does not have widespread support from the members of MAADAC.

**Informational Testimony:**

**{Tape : 2; Side : B; Approx. Time Counter : 9.8}**

**Annie Bartos, Department of Commerce**, stated that if anybody had any questions or needed any information on the program, she would be happy to address it.

**Questions from Committee Members and Responses:**

**{Tape : 2; Side : B; Approx. Time Counter : 10.2}**

**REPRESENTATIVE MASOLO** stated that she is a member of the Broadwater County Chemical Dependency Board. She asked if they have been involved in any of the MAADAC meetings and if they are aware of this bill? **Cindy Reichenbach** replied that it is a choice by individual counselors to be involved in MAADAC and to be included in the newsletter mailings and conferences that are scheduled. She stated that she does not have the answer to whether anybody in Broadwater county is a current member, but that she could find out. **REPRESENTATIVE MASOLO** commented that the reason she was concerned is because they have a problem keeping counselors and getting enough of them. She then asked how many out of the 460 counselors who currently hold the two year degree would have to go on to get their bachelors? **Ms. Reichenbach** answered that none would be effected. Counselors that are currently certified would be automatically licensed according to HB 50 and HB 183. **REPRESENTATIVE MASOLO** then asked how many colleges do we have that currently offer the four year degree? **Ms. Reichenbach** replied that there are currently two; the University of Great Falls and Salish-Kootenai. They both offer four year human service degrees which would qualify for the certification application. She stated that out of the 7 other

sights that have approved curriculum for Chemical Dependency, 6 have been contacted and made aware of the change and the response has been positive.

**REPRESENTATIVE JACOBSON** asked if it would be correct to assume that by going from the title Chemical Dependency Counselor to Addiction Counselor would in turn create a more eclectic series of responsibilities for that person to assume, thus requiring the need to obtain a bachelors degree as opposed to a two year degree? **Annie Bartos** replied that the change to Licensed Addiction Counselor would merely be a housekeeping change. There is no contemnation that additional disorders or dependancies would be covered by the License Addiction Counselor.

**REPRESENTATIVE LEE** commented to **Marlene O'Connell** that in her testimony she indicated that their were times her hospital was not paid for services because of the education level of a counselor. She then asked if she had any estimate of how much that amount was? **Ms. O'Connell** replied she did not have that data, but she knows of multiple instances. She stated that there are third party payers and certain insurance carriers such as Medicare, Tri-care, and Government Health Insurance that won't pay for a counselor with less than a Bachelors degree.

**REPRESENTATIVE LEE** commented to **Candice Paine** that her organization stated they are against this bill because they have a hard time hiring people. She then asked if they had the same situation, where the insurance companies were not reimbursing for services provided? **Ms. Paine** replied that she cannot say it is never a problem, she would need to get that information. However, it would seem that MAACAC and Rimrock would not be opposing this bill if they were having problems getting paid.

**REPRESENTATIVE SMITH** stated that an Indian Health Grant requires a four year degree to become certified, why shouldn't the state be under the same qualifications? **Ms. Paine** replied that she couldn't answer that question, but she will do what she can to find out.

**REPRESENTATIVE SMITH** asked if any of the colleges have been contacted? **Ron Ladue** replied that **REPRESENTATIVE JUNEAU** has spoken with various tribal colleges on this issue and they are supportive of the bill and the change. The colleges will continue to be a feeder institution to the four year colleges.

**REPRESENTATIVE RASER** asked if individuals could get licensed with a two year degree through the year 2005? **Ms. Reichenbach** replied yes. **REPRESENTATIVE RASER** then clarified that once they are licensed, they didn't need to go back and get the Bachelors

degree? **Ms. Reichenbach** replied that was correct.

**REPRESENTATIVE RASER** asked if there is any information on how the current practitioners feel about this bill? **Ms. Reichenbach** stated the association publishes four newsletters a year that are mailed to the memberships. One mailing each year is mailed to all 466 counselors state wide. The information on the bill is listed on the newsletter and has been since last May. MAADAC also posts two conferences a year. At each conference there is a membership meeting and a board meeting combined where they have disbursed this information. At the board meeting in May of 1999, the memberships voted to propose legislation. **REPRESENTATIVE RASER** then asked if that was voting on this legislation for the four year as opposed to the two year? **Ms. Reichenbach** replied yes.

**REPRESENTATIVE RASER** commented that since the information given that the people have been informed and the board decision was made in May 1999 to pursue this avenue of the four year requirement, it seems the association should of known of this legislation. **Candice Payne** replied that the information she was given was that we did not know about this bill until Monday.

**REPRESENTATIVE RASER** asked from whom did the bill come from?

**REPRESENTATIVE JUNEAU** replied that both bills were presented to her from Cynthia Reichenbach and that she was asked to be a sponsor for both bills. Individuals in these fields were spoken to and gave approval to this bill. **REPRESENTATIVE JUNEAU** stated she then signed onto these bills and they have been on the web for a few weeks.

**REPRESENTATIVE OLSON** stated that schools have a problem hiring Speech Pathologists, because the bar was raised. Consequently, we can't find any. He feels that he sees that being a problem here as well. He understands there may be some problems with reimbursements, however, could those problems be addressed with the different service provider's hiring practices rather than raising the bar to the point where we may not get anybody? **Dr. Walker** replied with yes they would have problems hiring, however not at the Bachelors level, but more at the Masters level. He stated he does not feel it would be a drastic problem. If we raise the bar, sure there will be people that choose not to get a bachelors degree, but none of the reservation programs will be negatively effected, they all have feeder programs.

**REPRESENTATIVE OLSON** asked if the current licensing exam is the same for an Associates Degree as it is for a Bachelors Degree?

**Ms. Reichenbach** replied no, however there is a written exam and an oral exam and on the written exam there is an option to take a higher level; 1, 2, and a Masters level Addiction Counselor.

**REPRESENTATIVE DELL** stated that on the section 21 of the bill, there is a termination of section 9, terminating June 30, 2005, is that getting rid of the grand fathering? **Ms. Reichenbach** replied no, the requirement for a Bachelors level education requirement, would be implemented July 1, 2005.

**Sheri Heffelfiner, Research Analyst for Legislative Services Division**, clarified that if you terminate section 9, you are going back to the original language is statute. **Ms. Reichenbach** replied that the intent is not to exclude or eliminate anyone and if the language has then the language needs to be changed.

**Closing by Sponsor:**

***{Tape : 3; Side : A; Approx. Time Counter : 13.5}***

**REPRESENTATIVE JUNEAU** stated that drug and alcohol issues are serious issues in our state and we need the best qualified people working for us. She asked the committee to give a do pass when doing executive action on the bill.

**HEARING ON HB 28**

**Sponsor:** **REPRESENTATIVE JOHN MUSGROVE, HD 91, HAVRE**

**Proponents:** **Jane Jelinski, Montana Association of Counties**

**Opponents:** **Robert Throssell, Montana County Clerks and  
Recorders Association**

**Opening Statement by Sponsor:**

***{Tape : 3; Side : B; Approx. Time Counter : 0.0}***

**REPRESENTATIVE JOHN MUSGROVE, HD 91, HAVRE**, stated the bill concerns elections procedures. It is an attempt to rectify some of the process. This bill has been brought before the committee by the request of the Hill County Clerk and Recorder who has submitted information. **EXHIBIT(sth07a16)**

**Proponents' Testimony:**

***{Tape : 3; Side : B; Approx. Time Counter : 3.0}***

**Jane Jelinski, Montana Association of Counties**, stated they support having some, kind of standard for a write in candidate.

**Opponents' Testimony:**

**{Tape : 3; Side : B; Approx. Time Counter : 4.1}**

**Robert Throssell, Montana County Clerks and Recordors**

**Association**, stated they reluctantly oppose the bill. There are three standard ways of voting; scan, written, and bunch ballots. If labels were to be used state wide as a standard, there could be an issue of individuals putting the sticker in the wrong spot. A clear legible printed name would be helpful to the county, however, a standard can't be used in all situations because of the different systems.

**Questions from Committee Members and Responses:**

**{Tape : 3; Side : B; Approx. Time Counter : 9.2}**

**REPRESENTATIVE WALTERS** asked if there has been any attempt to have a uniform balloting machine on a statewide basis or is the cost too much? **Robert Throssell** responded that there is a bill out that is requesting a study committee for the Federal Elections. There is some hesitation in coming up with a uniform system, because of the smaller counties that can count the votes quicker than by running them through a machine. **REPRESENTATIVE WALTERS** then asked what kind of cost is involved with the machines? **Mr. Throssell** replied that he doesn't have any numbers, but knows they are thousands of dollars, plus the expense of running tests prior to the election.

**REPRESENTATIVE JENT** asked about how a write in candidates in counties that use optical scan ballots are handled, what do we do? **Robert Throssell** replied that on the paper ballot, the name is written in; the punch card ballot has a security envelope that goes with the ballot and the name is written on the envelope; with the optical scanning system there is a place on the optical scan ballot to write in the name and you connect a line, then when its scanned it sees that there is a write in on the ballot. **REPRESENTATIVE JENT** then asked under title 13, our election code, are the procedures for optical scan ballots actually in the code? **Mr. Throssell** answered yes, because most of the larger counties have gone to the optical scan ballots. **REPRESENTATIVE JENT** asked if there is a way to salvage this bill where we have a preprinted label that will work in optical scan equipment without fowling up the ballot when going through the equipment? **Mr. Throssell** replied that he understands there is a way that it can be fine tuned to work, however right now across the state it would be very difficult to implement.

**REPRESENTATIVE HEDGES** asked if this proposal was modified or, changed by stating the labels must be preapproved with the county election officer, would it alleviate the problems that the clerks and recorders have? **Robert Throssell** replied that there is a standard label that would work on all these systems, but we may not ever be able to get there, even with the technology.

**REPRESENTATIVE SMITH** asked if the counties that have write in ballots have a space on it for voting? **Robert Throssell** replied that it varies because there are three systems used. The punch card system that is used, has you write on the outside of a security envelope, then the envelope becomes the ballot for the office you are writing in. The sticker would work on this system as long as the stickers were put in the right area. However, on the optical scan ballots there is a place for a write in. When read by the optical scanner, it is read as a write in, then the election administrator goes back and tallies the write ins.

**REPRESENTATIVE SMITH** then clarified that all write ins are hand tallied. **Mr. Throssell** stated yes.

**REPRESENTATIVE HEDGES** asked if section one could be rewritten so the Secretary of State could have discretion statewide and County Election Officers have discretion county wide on elections in terms of labeling devices? **Elaine Graveley, Secretary of State, Elections Office**, stated the Secretary of State's office has not taken a position on this bill because they have some concerns with the availability of the prescribed labels. Something could be written as such, that in statewide races, The Secretary of States Office could address the issue or in races for individual counties, the Election Administrator could do that.

**REPRESENTATIVE HEDGES** then asked if the labels were available but not on the market? **Ms. Graveley** replied it was her understanding they are on the market. It's called a permanent label, and once it's put on the paper, it is their to stay. **REPRESENTATIVE HEDGES** asked if the Secretary of State could have a list of technical labels and make them available to the County Election Officer? We then could have a statewide system as well as discretion within the county on how they want to vote. **Ms. Graveley** stated that yes, that could be done.

**REPRESENTATIVE OLSON** asked if the County Clerk or Recorder could have the approval of any label used? **Ms. Graveley** replied yes that could be done, however, there is Federal Legislation being proposed to standardize the election process.

**Closing by Sponsor:**

***{Tape : 4; Side : A; Approx. Time Counter : 4}***

**REPRESENTATIVE MUSGROVE** commented that it is obvious there are problems with the election process and this bill, as amended, could solve some of the problems until we have Federal Mandates to consider.

**ADJOURNMENT**

Adjournment: 11:10 A.M.

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REP. ALLAN WALTERS, Chairman

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RUTHIE PADILLA, Secretary

AW/RP

**EXHIBIT (sth07aad)**